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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,479

10/17/2005

Mi Yeon Kim

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EXAMINER

PORTER, WILLIAM ERNEST

ART UNIT

PAPER NUMBER

3623

NOTIFICATION DATE

DELIVERY MODE

09/24/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/553,479	Applicant(s) KIM, MI YEON	
	Examiner WILLIAM PORTER	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/17/2005, 12/22/2008 & 7/6/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following is a **NON-FINAL** office action upon examination of application number 10/553,479. Claims 1-33 are pending in the application and have been examined on the merits discussed below.

Information Disclosure Statement

The Information Disclosure Statements filed on 17 October 2005, 22 December 2008 and 6 July 2009 have been considered. An initialed copy of the Form 1449 is enclosed herewith.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-7, 8-22 and 23-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

A claimed process is eligible for patent protection under 35 U.S.C. 101 if:

"(1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing. See Benson, 409 U.S. at 70 ('Transformation and reduction of an article 'to a different state or thing' is the clue to the patentability of a process claim that does not include particular machines.');

Diehr, 450 U.S. at 192 (holding that use of mathematical formula in process 'transforming or reducing an article to a different state or thing' constitutes patent-eligible subject matter); see also Flook, 437 U.S. at 589 n.9 ('An argument can be made [that the Supreme] Court has only recognized a process as within the statutory definition when it either was tied to a particular apparatus or

operated to change materials to a ‘different state or thing’);
Cochrane v. Deener, 94 U.S. 780, 788 (1876) (‘A process is...an
act, or a series of acts, performed upon the subject-matter to be
transformed and reduced to a different state or thing.’).⁷ A claimed
process involving a fundamental principle that uses a particular
machine or apparatus would not pre-empt uses of the principle that
do not also use the specified machine or apparatus in the manner
claimed. And a claimed process that transforms a particular article
to a specified different state or thing by applying a fundamental
principle would not pre-empt the use of the principle to transform
any other article, to transform the same article but in a manner not
covered by the claim, or to do anything other than transform the
specified article.” (*In re Bilski*, 88 USPQ2d 1385, 1391 (Fed. Cir.
2008))

Also noted in *Bilski* is the statement, “Process claim that recites fundamental principle, and that otherwise fails ‘machine-or-transformation’ test for whether such claim is drawn to patentable subject matter under 35 U.S.C. §101, is not rendered patent eligible by mere field-of-use limitations; another corollary to machine-or-transformation test is that recitation of specific machine or particular transformation of specific article does not transform unpatentable principle into patentable process if recited machine or transformation constitutes mere ‘insignificant post-solution activity.’” (*In re Bilski*, 88 USPQ2d 1385, 1385 (Fed. Cir. 2008)) Examples of insignificant post-solution activity include data gathering and outputting. Furthermore, the machine or transformation must impose meaningful limits on the scope of the method claims in order to pass the machine-or-transformation test.

It is also noted that the mere recitation of a machine in the preamble in a manner such that the machine fails to patentably limit the scope of the claim does not make the claim statutory under 35 U.S.C. § 101, as seen in the Board of Patent Appeals Informative Opinion *Ex parte Langemyr et al.* (Appeal 2008-1495),

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Claims (1-7), as recited, are directed toward a method to (receiving a question, providing the question on a webpage, receiving evaluation data, calculating evaluation result data, and providing result data on a webpage). The mere mention of the Internet in the preamble and the use of the webpage in displaying results are insufficient structure. As currently written the steps recited in claims 1-7 are not tied to a machine, much less a significant tie to a particular machine (i.e. computer/processor/server/etc.).

Claims (8-22), as recited, are directed toward a method to (receiving a question, providing the question on a webpage, receiving evaluation data, calculating evaluation result data, receiving votes for answers, and providing result data on a webpage). The mere mention of the Internet in the preamble and the use of the webpage in displaying results are insufficient structure. As currently written the steps recited in claims 8-22 are not tied to a machine, much less a significant tie to a particular machine (i.e., computer/processor/server/etc.)

Claims (23-28), as recited, are directed toward a method to (receiving a question, receiving answers, providing answers on a webpage, adopting answer and evaluation data, and increasing point data). The mere mention of the Internet in the preamble and the use of the webpage in displaying results are insufficient structure. As currently written the steps recited in claims 23-28 are not tied to a machine, much less a significant tie to a particular machine (i.e., computer/processor/server/etc.)

Claims 1-7, 8-22 and 23-28 are therefore non-statutory under § 101. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1, 3, 4, 6-24, 26, and 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Daniel K. Gardner, Clinton A. Staley and Matthew A. Wormley, USPAT 6,064,978, (hereinafter referred to as Gardner et al).

Claim 1 –

As per claim 1, Gardner et al disclose a method for providing answers to a question, which is performed on the Internet (“World Wide Web (WWW) page”, col. 3, ll. 57-58), comprising the steps of:

- receiving a question from a first user; (col. 3, ll. 8-9)
- providing the question on a given web page; (col. 3, ll. 57—58)
- receiving evaluation data for the question from a second user or an operator of the web page; (“comments” are evaluation data, col. 3, ll. 21-22)
- calculating evaluation result data by reflecting the evaluation data; (“question points” are evaluation data, col. 3, ll. 11-13) and
- providing the evaluation result data on the web page in association with the question. (col. 3, ll. 57-60)

Claim 3 -

As per claim 3, Gardner et al disclose the method as claimed in claim 1, further comprising the step of displaying the question according to a predetermined display method if the evaluation result data is not coincident with a predetermined reference. (col. 3, ll. 57-60)

Claim 4 -

As per claim 4, Gardner et al disclose the method as claimed in claim 1, wherein:

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- step (c) comprises the step of receiving one of "affirmation" and "negation" for the question from the second user ("answerers" are second users, col. 3, ll. 22-27) or the operator, and step (d) comprises the steps of:
- increasing given evaluation value data corresponding to the evaluation result data if the "affirmation" is received; and reducing the evaluation value data if the "negation" is received. (col. 4, ll. 23-24)

Claim 6 -

As per claim 6, Gardner et al disclose the method as claimed in claim 1, further comprising the step of increasing point data associated with the second user by a predetermined value in response to the input of the evaluation data. (col. 3, ll. 49-40)

Claim 7 –

As per claim 7, Gardner et al disclose the method as claimed in claim 6, wherein the step of increasing the point data by the predetermined value comprises the steps of:

- receiving a limit number corresponding to a predetermined unit period from the operator ("points per day" determines unit period, col. 4, ll. 17-19);
- counting an input number that the second user inputs the evaluation data during the unit period; ("number of points per day", col. 4, ll. 17-19) and
- if the input number is below the limit number, increasing the point data associated with the Second user by the predetermined value in response to the input of the evaluation data. (col. 3, ll. 49-40)

Claim 8 –

As per claim 8, Gardner et al disclose a method for providing answers to a question, which is

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performed on the Internet, comprising the steps of:

- providing a question input by a first user on a given web page; (col. 3, ll. 8-9)
- receiving an answer for the question from a second user; (col. 3, ll. 21-27)
- providing the answer on the web page in association with the question; (col. 4, ll. 7-8)
- if a plurality of answers are input, receiving votes for the answers from a third user for a predetermined voting period; and increasing polling score corresponding to the answers in response to the input of the votes. (“numerical score” is polling score, col. 3, ll. 34-36)

Claim 9 -

As per claim 9, Gardner et al disclose the method as claimed in claim 8, further comprising the step of providing the polling score on the web page in association with the answers. (col. 4, ll. 60-62)

Claim 10 -

As per claim 10, Gardner et al disclose the method as claimed in claim 8, wherein the voting period is a predetermined period input by the first user and/or a period until the number of voters input by the first user is reached. (“answerers” are voters, col. 3, ll. 40-45)

Claim 11 -

As per claim 11, Gardner et al disclose the method as claimed in claim 8, wherein the voting period is a predetermined period input by an operator and/or a period until a given number of voters input by the operator is reached. (“answerers” are voters, col. 3, ll. 40-45)

Claim 12 -

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As per claim 12, Gardner et al disclose the method as claimed in claim 8, wherein the step of receiving the answer comprises the step of receiving answers to the question from the second user for a predetermined answer period, and the step of receiving the votes comprises the step of receiving the votes for the answers from the third user if the answer period has elapsed.

("answerers" are voters, col. 3, ll. 40-45)

Claim 13 -

As per claim 13, Gardner et al disclose the method as claimed in claim 12, wherein the answer period is a predetermined period input by the first user. ("assigning question points based on urgency", col. 1, ll. 50-54)

Claim 14 -

As per claim 14, Gardner et al disclose the method as claimed in claim 8, further comprising the step of adopting one or more answers based on the polling score if the voting period has elapsed. (col. 3, ll. 46-50)

Claim 15 -

As per claim 15, Gardner et al disclose the method as claimed in claim 8, further comprising the step of, if the polling score corresponding to the answers is less than predetermined polling score after the voting period has elapsed, not adopting an answer and displaying that there is no adopted answer. (no answer being displayed after a question means no adopted answer, col. 4, ll. 7-8)

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Claim 16 -

As per claim 16, Gardner et al disclose the method as claimed in claim 14, further comprising the step of displaying the adopted answer according to a predetermined display method. (col. 4, ll. 7-8)

Claim 17 -

As per claim 17, Gardner et al disclose the method as claimed in claim 14, further comprising the steps of: deciding the second user who input the adopted answer as an answer adopter; (“selected for separate WWW site” is answer adopter, col. 4, ll. 64-67) and increasing point data associated with the answer adopter by a predetermined value. (“answer points” is point data associated, col. 4, ll. 57-60)

Claim 18 -

As per claim 18, Gardner et al disclose the method as claimed in claim 17, wherein the step of increasing the point data associated with the answer adopter by the predetermined value comprises the steps of:

- maintaining point data associated with a user in a point database; (col. 4, ll. 60-62)
- receiving compensation point data from the first user; (col. 4, ll. 64-67)
- increasing the point data associated with the answer adopter by the compensation point data based on the compensation point data; (col. 4, ll. 64-67) and
- reducing the point data associated with the first user by the compensation point data. (col. 3, ll. 54-55)

Claim 19 -

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As per claim 19, Gardner et al disclose the method as claimed in claim 18, wherein the step of increasing the point data associated with the answer adopter by the compensation point data based on the compensation point data comprises the steps of:

- if plural answers are adopted, distributing the compensation point data input by the first user in the ratio of the polling score corresponding to each of the adopted answers; (col. 3, ll. 51-53) and
- increasing the point data associated with each answer adopter by the distributed compensation point data. (col. 4, ll. 64-67)

Claim 20 -

As per claim 20, Gardner et al disclose the method as claimed in claim 8, further comprising the step of increasing the point data associated with the third user by a predetermined value in response to the input of the votes. (“free premiums” are increased point data, col. 4, ll. 62-64)

Claim 21 -

As per claim 21, Gardner et al disclose the method as claimed in claim 20, wherein the step of increasing point data by a predetermined value comprises the steps of:

- receiving a limit number corresponding to a predetermined unit period from an operator; (“question points per day”, col. 4, ll. 17-19)
- counting an input number that the third user inputs votes for the unit period; (“number of points per day”, col. 4, ll. 17-19) and
- if the input number is below the limit number, increasing the point data associated with the third user by the predetermined value in response to the input of the votes. (col. 3,

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ll. 39-40)

Claim 22 -

As per claim 22, Gardner et al disclose the method as claimed in claim 8, wherein the step of receiving the votes comprises the steps of: receiving a vote return command for the answers from the first user; and receiving votes for the answers from the third user after the vote return command is input. (“answerers” are voters, col. 3, ll. 40-45)

Claim 23 –

Claim 23 is directed to a method for providing answers for a question. Claim 23 recites the same or similar limitations as those addressed above for claim 8. Claim 23 is therefore rejected for the same reasons as set forth above for claim 8, respectively.

Claim 24 –

As per claim 24, Gardner et al disclose the method as claimed in claim 23, wherein the step of receiving the evaluation data comprises the step of receiving one of the given number of evaluation grades for the adopted answer from the first user, and the step of increasing the point data comprises the steps of:

- maintaining a point data value corresponding to the evaluation grade; (col. 3, ll. 34-37) and
- increasing the point data associated with the second user by the point data value corresponding to the evaluation grade. (col. 3, ll. 46-50)

Claim 26 -

As per claim 26, Gardner et al disclose the method as claimed in claim 25, wherein the step of receiving the additional answer comprises the steps of:

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- counting the number of additional answers input; and allowing the additional answers not to be input if the number exceeds a given number. (“determine if more comments (i.e., answers) are needed”, col. 3, ll. 41-46)

Claim 29 -

As per claim 29, Gardner et al disclose a method for providing answers to a question, which is performed on

the Internet, comprising the steps of:

- providing a question input by a first user on a given web page; (col. 3, ll. 8-9)
- receiving answers for the question from a second user for a predetermined period; (col. 3, ll. 21-27)
- providing the answers on a web page in association with the question; (col. 4, ll. 7-8)
- deciding the question and an answer associated with the question as knowledge data; (“formal recognition” is knowledge data, col. 5, ll. 1-5)
- receiving a recommendation for the knowledge data from a third user; (“formal recognition” is knowledge data, col. 5, ll. 1-5) and
- providing the recommendation on the web page in association with the knowledge data. (“formal recognition” is knowledge data, col. 5, ll. 1-5)

Claim 30 -

As per claim 30, Gardner et al disclose the method as claimed in claim 29, further comprising the step of displaying the recommended knowledge data according to a predetermined display method. (“WWWpage acknowledgement”, col. 5, ll. 3-5)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 5, 25, 27, 28, and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner et al, and further in view of James D. Marks, Robert Weaver, and Jeremy Shao, USPGPUB 2003/0163356, (hereinafter referred to as Marks et al).

Claim 2 -

As per claim 2, Gardner et al disclose the method as claimed in claim 1. Gardner et al teach providing answer for question and do not explicitly teach graphs. However, Marks et al teach wherein step (e) comprises the step of displaying the evaluation result data as a predetermined graph. ("pictures" are graphs, pg. 1, Paragraph 0004, ll. 7-8 of Marks et al)

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Gardner et al to include graphs. One of ordinary skill in the art at the time of the invention would have been motivated to be easily modifiable (pg. 1, Paragraph 0001, ll. 3-4 of Marks et al) and to expand the method of Gardner et al in this way since Marks et al discusses a method where the question is posted in a location where it is accessible to the experts to respond (pg. 1, Paragraph 0005, ll. 10-11 of Marks et al)

Claim 5 –

As per claim 5, Gardner et al in view of Marks et al disclose the method as claimed in claim 1. Gardner et al teach providing question and answer and do not explicitly teach operator action.

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Gardner et al teach wherein step (d) comprises the step of:

- calculating the evaluation result data by assigning a predetermined weight to the evaluation data that is received from the operator or the user to which predetermined authority ° has been assigned by the operator. (col. 2, ll. 1-6)

However, Mark et al teach the step

- wherein determining whether the received evaluation data is evaluation data that is received from the operator or a user to which predetermined authority has been assigned by the operator; (pg. 3, Paragraph 0047, ll. 3-4 & 8 of Marks et al).

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Gardner et al to include operator actions. One of ordinary skill in the art at the time of the invention would have been motivated to be easily modifiable (pg. 1, Paragraph 0001, ll. 3-4 of Marks et al) and to expand the method of Gardner et al in this way since Marks et al discusses a method where the question is posted in a location where it is accessible to the experts to respond (pg. 1, Paragraph 0005, ll. 10-11 of Marks et al)

Claim 25 -

As per claim 25, Gardner et al in view of Marks et al disclose the method as claimed in claim 14 or 23. Gardner et al teach additional answers and does not explicitly teach having a problem raised. Gardner et al teach receiving an additional answer for the raised problem from the second user who input the adopted answer; and providing the additional answer on the web page in association with the adopted answer (“accepted answers” are additional answers, col. 4, ll. 7-8). However, Marks et al teach further comprising the step of receiving a problem raised for the adopted answer by a fourth user; providing the raised problem to the second user who input the adopted answer. (pg. 3, Paragraph 0044, ll. 3-9)

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Gardner et al to include receiving a problem raised in the adopted answer. One of ordinary skill in the art at the time of the invention would have been motivated to be easily modifiable (pg. 1, Paragraph 0001, ll. 3-4 of Marks et al) and to expand the method of

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Gardner et al in this way since Marks et al discusses a method where the question is posted in a location where it is accessible to the experts to respond (pg. 1, Paragraph 0005, ll. 10-11 of Marks et al)

Claim 27 –

Claim 27 is directed to a method for providing answers for a question. Claim 27 recites the same or similar limitations as those addressed above for claim 25. Claim 27 is therefore rejected for the same reasons as set forth above for claim 25, respectively.

Claim 28 –

Claim 28 is directed to a method for providing answers for a question. Claim 28 recites the same or similar limitations as those addressed above for claim 25. Claim 28 is therefore rejected for the same reasons as set forth above for claim 25, respectively.

Claim 31 -

As per claim 31, Gardner et al disclose the method as claimed in claim 29. Gardner does not explicitly teach categories. However, Marks et al teach wherein:

- step (e) comprises the step of receiving a category associated with the knowledge data from the third user, (pg. 2, Paragraph 0033, ll. 11-12 of Marks et al) and
- step (f) comprises the step of displaying the category in association with the knowledge data. (pg. 4, Paragraph 0053 of Marks et al)

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Gardner et al to include receiving and displaying categories. One of ordinary skill in the art at the time of the invention would have been motivated to be easily modifiable (pg. 1, Paragraph 0001, ll. 3-4 of Marks et al) and to expand the method of Gardner et

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al in this way since Marks et al discusses a method where the question is posted in a location where it is accessible to the experts to respond (pg. 1, Paragraph 0005, ll. 10-11 of Marks et al)

Claim 32 -

As per claim 32, Gardner et al disclose the method as claimed in claim 29. Gardner et al teach weights and do not explicitly teach knowledge database. However, Marks et al teach further comprising the steps of:

- maintaining the knowledge data and recommendation information associated with the knowledge data in a knowledge database; (“archive data”, pg. 2, Paragraph 0028, ll. 4-6, and “stores questions and answers”, pg. 2, Paragraph 0029, ll. 7-11 of Marks et al)
- receiving a search request for the knowledge data from a fourth user; (“select a question”, pg. 2, Paragraph 0033, l. 11 of Marks et al)
- searching the knowledge database for the knowledge data in response to the search request; (pg. 2, Paragraph 0033, ll. 14-16 of Marks et al)
- determining an arranging order of the searched knowledge data; (“categories by subject matter”, pg. 2, Paragraph 0028, ll. 5-6 of Marks et al) and
- displaying the searched knowledge data according to the arranging order, (pg. 2, Paragraph 0033, ll. 16-17 of Marks et al)
- the step of determining the arranging order of the searched knowledge data comprises the steps of:
 - determining whether the searched knowledge data are recommended knowledge data based on the recommendation information; (pg. 3, Paragraph 0042, ll. 15-25 of Marks et al)and

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- determining the arranging order by assigning a predetermined weight to the recommended knowledge data. (“question points” are weights, col. 2, ll. 1-7 of Gardner)

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Gardner et al to include knowledge data. One of ordinary skill in the art at the time of the invention would have been motivated to be easily modifiable (pg. 1, Paragraph 0001, ll. 3-4 of Marks et al) and to expand the method of Gardner et al in this way since Marks et al discusses a method where the question is posted in a location where it is accessible to the experts to respond (pg. 1, Paragraph 0005, ll. 10-11 of Marks et al)

Claim 33 -

As per claim 33, Gardner et al in view of Marks et al disclose a method. Gardner et al teach a method and do not explicitly teach a computer-readable medium. However, Marks et al teach computer-readable recording medium (“method executed by a server”, pg. 1, Paragraph 0005, ll. 1-2 of Marks et al) in which a program for implementing a method according to claim 1 is recorded.

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Gardner et al to include computer-readable medium. One of ordinary skill in the art at the time of the invention would have been motivated to be easily modifiable (pg. 1, Paragraph 0001, ll. 3-4 of Marks et al) and to expand the method of Gardner et al in this way since Marks et al discusses a method where the question is posted in a location where it is accessible to the experts to respond (pg. 1, Paragraph 0005, ll. 10-11 of Marks et al)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM PORTER whose telephone number is (571)270-7786. The examiner can normally be reached on Monday Through Thursday 8 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W.P./

/Beth V. Boswell/
Supervisory Patent Examiner, Art Unit 3623